

ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

TO: ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS
FROM: CLINT WOODS, TASK FORCE DIRECTOR
DATE: October 27, 2010
RE: 35-DAY MAILING—STATES AND NATION POLICY SUMMIT

The American Legislative Exchange Council will host its **States and Nation Policy Summit (SNPS) on December 1 – 3 in Washington, DC at the Grand Hyatt**. If you have not yet registered for this meeting, please go to www.alec.org.

The following meetings are of interest to members of the Energy, Environment and Agriculture Task Force:

Wednesday, December 1

- Energy Subcommittee (8:30am – 10:00am)
- Environmental Health & Regulation Subcommittee (10:15am – 11:45am)

Thursday, December 2

- Workshop VI – EPA's Regulatory Assault: Higher Prices, Fewer Jobs, Less Energy (11:00am – 12:15pm)
- Energy, Environment and Agriculture Task Force meeting (2:30pm – 5:30pm)

Friday, December 3

- Workshop IX – A Tax in Sheep's Clothing: How Extended Producer Responsibility Mandates can Hurt Consumers and Business (11:00am – 12:15pm)

The following materials are attached:

- Agenda for the Energy, Environment and Agriculture Task Force Meeting (1 page)
- Agenda for Subcommittee Meetings (2 pages)
- Annual Meeting Agenda-at-a-Glance (2 pages)
- Workshop Advertisements (2 pages)
- Energy, Environment and Agriculture Task Force Roster (6 pages)
- Annual Meeting Task Force Meeting Minutes (2 pages)
- Scholarship Policy by Meeting (1 page)
- ALEC Task Force Operating Procedures (12 pages)
- ALEC Mission Statement (1 page)
- Attendee Registration Housing Form (1 page)
- Spouse/Guest Registration Housing Form (1 page)
- Model Legislation

Hotel information: The **Grand Hyatt Washington** is located at 1000 H Street NW, Washington, D.C.
Telephone: (202) 582-1234. Website: www.grandwashington.hyatt.com

(Continued on next page)



I am also happy to inform you of the following updates to the Task Force leadership:

Energy, Environment and Agriculture Task Force

- Rep. David Wolkins, Indiana, Public Sector Chair
- Martin Shultz, Pinnacle West Capital Corporation, Private Sector Co-Chair
- Tom Moskitis, American Gas Association, Private Sector Co-Chair

Energy Subcommittee

- Rep. Tom Lockhart, Wyoming, Public Sector Chair
- Mike McGarey, Nuclear Energy Institute, Private Sector Chair

Environmental Health & Regulation Subcommittee

- Rep. Ralph Watts, Iowa, Public Sector Chair
- Jennifer Mendez, Carpet and Rug Institute, Private Sector Chair

Agriculture & Rural Development Subcommittee

- Rep. Larry Powell, Kansas, Public Sector Chair
- Jeff Case, CropLife America, Private Sector Chair

I look forward to seeing all of you here in DC. If you have any questions or concerns regarding the meeting, please contact me at (202) 742-8542 or by e-mail cwoods@alec.org.

Sincerely,
Clint Woods

**ALEC ENERGY, ENVIRONMENT AND AGRICULTURE
TASK FORCE MEETING
2010 STATES AND NATION POLICY SUMMIT
WASHINGTON, DC
DECEMBER 2, 2010
2:30PM – 5:30PM**

TENTATIVE AGENDA

Call to Order, Welcome, and Introductions

Representative David Wolkins, Indiana
Martin Shultz, Pinnacle West Capital Corporation
Tom Moskitis, American Gas Association

Energy and Environment in the Wake of the Collapse of Cap and Trade

Steven F. Hayward, American Enterprise Institute

Natural Gas & Public Opinion

Chris Wilson, Wilson Research Strategies

The EPA Threat to American Agriculture

Speaker TBA

Update on Power Plant Cooling Water Regulation

Speaker TBA

MODEL RESOLUTIONS:

- RESOLUTION TO RETAIN STATE SOVEREIGNTY OVER INTRASTATE WATER RESOURCES (*Rep. Pete Illoway, Wyoming*)
- RESOLUTION ON BEST AVAILABLE CONTROL TECHNOLOGY FOR COAL-BASED ELECTRIC GENERATION (*Peabody*)

A Fresh Start on the Environment: Good Science and Good Policy for New Majorities

Todd Myers, Washington Policy Center

Beat the Peak: Consumers and Energy Efficiency

Rob Book, Delaware Electric Cooperative

MODEL LEGISLATION:

- THE AGRICULTURAL SUSTAINABILITY ACT (*CropLife America*)
- THE CAPITAL RECOVERY FOR CLEAN ENERGY GENERATING PLANTS ACT (*Nuclear Energy Institute*)

For the Good of the Order

Adjourn

ENERGY SUBCOMMITTEE
2010 STATES AND NATION POLICY SUMMIT
WASHINGTON, DC
WEDNESDAY, DECEMBER 1, 2010
8:30AM – 10:00AM

TENTATIVE AGENDA

- 8:30 a.m. Welcome and Introductions
Rep. Tom Lockhart, Wyoming
Michael McGarey, Nuclear Energy Institute
- 8:40 a.m. Model Legislation: THE CAPITAL RECOVERY FOR CLEAN ENERGY
GENERATING PLANTS ACT
- 9:00 a.m. Model Legislation: RESOLUTION ON BEST AVAILABLE CONTROL
TECHNOLOGY FOR COAL-BASED ELECTRIC GENERATION
- 9:20 a.m. The War on Western Jobs
Cody Stewart, Congressional Western Caucus
- 9:40 a.m. The Emerging Technology of Small Nuclear Reactors
Speaker TBA
- 9:55 a.m. For the Good of the Order
- 10:00 a.m. Adjournment

ENVIRONMENTAL HEALTH & REGULATION SUBCOMMITTEE
2010 STATES AND NATION POLICY SUMMIT
WASHINGTON, DC
WEDNESDAY, DECEMBER 1, 2010
10:15AM – 11:45AM

TENTATIVE AGENDA

- 10:15 a.m. Welcome and Introductions
Rep. Ralph Watts, Iowa
Jenn Mendez, Carpet and Rug Institute
- 10:25 a.m. Model Legislation: RESOLUTION TO RETAIN STATE SOVEREIGNTY
OVER INTRASTATE WATER RESOURCES
- 10:40 a.m. Federal Electronic Waste Legislation
Speaker TBA
- 11:00 a.m. Discussion: State Framework Extended Producer Responsibility Laws
- 11:20 a.m. Coal Ash Update
- 11:40 a.m. For the Good of the Order
- 11:45 a.m. Adjournment

2010 States & Nation Policy Summit Agenda*

Tuesday, November 30th		
Joint Board of Directors Meetings	8:00 a.m. - 5:30 p.m.	Farragut/Lafayette
Registration	12:00 p.m. - 5:00 p.m.	Independence Foyer
ALEC Joint Board Reception and Dinner	6:30 p.m. - 9:30 p.m.	Off-site
Wednesday, December 1st		
Registration	7:30 a.m. - 5:00 p.m.	Independence Foyer
Task Force Subcommittee Meetings	8:00 a.m. - 11:45 a.m.	
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
State Chairs Meeting	9:00 a.m. - 11:45 a.m.	Willson/Roosevelt
New Legislator Orientation	10:30 a.m. - 11:30 a.m.	Franklin Square
Opening Plenary Luncheon	12:00 p.m. - 2:00 p.m.	Independence A
Task Force Chairs Meeting	2:15 p.m. - 3:15 p.m.	Franklin Square
Workshop I: Comparative Effectiveness Research: Rationing Care or Improving Quality?	2:15 p.m. - 3:30 p.m.	Farragut/Lafayette
Workshop II: Higher Education	3:45 p.m. - 5:00 p.m.	Farragut/Lafayette
National Chairman's Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.	Independence IH
Hospitality Suite	9:00 p.m. - 11:00 p.m.	Congressional Parlor
Thursday, December 2nd		
Registration	7:30 a.m. - 5:00 p.m.	Independence Foyer
Plenary Breakfast	8:00 a.m. - 9:15 a.m.	Independence A
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
Workshop III: Show Me the Money: Budget Transparency in the States	9:30 a.m. - 10:45 a.m.	Farragut Square
Workshop IV: Delivering Justice to Rape Victims while Minimizing Taxpayer Cost	9:30 a.m. - 10:45 a.m.	Lafayette Park
Workshop V: Cutting Crime and Budgets: The National Movement	11:00 a.m. - 12:15 p.m.	Farragut Square
Workshop VI: EPA's Regulatory Assault: Higher Prices, Fewer Jobs, and Less Energy	11:00 a.m. - 12:15 p.m.	Lafayette Park
Plenary Luncheon	12:30 p.m. - 2:15 p.m.	Independence A
Task Force Meetings	2:30 p.m. - 5:30 p.m.	
<ul style="list-style-type: none"> • Energy, Environment, and Agriculture • Health and Human Services • Public Safety and Elections • Tax and Fiscal Policy 		Farragut/Lafayette Independence CDE Independence FG Independence IH
Gala Holiday Reception	6:00 p.m. - 8:00 p.m.	Constitution AB
Hospitality Suite	9:00 p.m. - 11:00 p.m.	Congressional Parlor

Friday, December 3rd		
Registration	7:30 a.m. - 2:00 p.m.	Independence Foyer
Plenary Breakfast	8:00 a.m. - 9:15 a.m.	Independence A
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
Workshop VII: Federalism I	9:30 a.m. - 10:45 a.m.	Farragut Square
Workshop VIII: Overcriminalization	9:30 a.m. - 10:45 a.m.	Lafayette Park
Workshop IX: A Tax in Sheep's Clothing: How Extended Producer Responsibility Mandates Can Hurt Consumers and Business	11:00 a.m. - 12:15 p.m.	Farragut Square
Workshop X: Federalism II	11:00 a.m. - 12:15 p.m.	Lafayette Park
Plenary Luncheon	12:30 p.m. - 2:15 p.m.	Independence A
Task Force Meetings	2:30 p.m. - 5:30 p.m.	
• Civil Justice		Farragut/Lafayette
• Commerce, Insurance and Economic Development		Independence GHI
• Education		Independence CDE
• Telecommunications and Information Technology		Constitution A
• International Relations		Constitution B
Louisiana Preview Reception for 2011	5:30 p.m. - 6:30 p.m.	Franklin Square
Annual Meeting		
State Delegation Night	Beginning at 6:30 p.m.	See Your State Chair

* Agenda subject to change.

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

A Tax in Sheep's Clothing

How Extended Producer Responsibility Mandates can Hurt Consumers and Business



This workshop will provide a basic introduction to both product-specific and framework Extended Producer Responsibility (sometimes called Product Stewardship) laws that are likely to confront legislators in the upcoming session. This panel will examine state and international initiatives and how these mandates can backfire and cost consumers, as well as provide more information on market-driven and government-mandated recycling programs.

Friday, December 3 at 11:00 AM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

EPA's Regulatory Assault

Higher Prices, Fewer Jobs, and Less Energy



Join us to learn about the economic, legal, and social consequences of EPA's expanding regulatory portfolio. Speakers include:

Peter Glaser, Troutman Sanders

Paul Cicio, Industrial Energy Consumers of America

Harry Alford, National Black Chamber of Commerce

Thursday, December 2, 11:00-12:15

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Sen.	Sylvia	Allen	Arizona Legislature	Senator	Snowflake	AZ	(602) 926-5219	sallen@azleg.gov	Legislative Member
Sen.	Denny	Altes	Arkansas General Assembly	Senator	Little Rock	AR	(501) 682-6107	altessanitation@yahoo.com	Legislative Member
Rep.	John	Anders	Louisiana Legislature	Representative	Vidalia	LA	(225) 342-6945	larep021@legis.state.la.us	Alternate
Rep.	Eric	Anderson	Idaho Legislature	Representative	Priest River	ID	(208) 332-1000	eanderso@house.idaho.gov	Legislative Member
Ms.	Bette	Arial	EnergySolutions	Vice President, Legislative and Community Affairs	Salt Lake City	UT	801-649-2127	barial@energysolutions.com	Private Sector Member (M1)
Rep.	Richard	Arnold	Iowa Legislature	Representative	Russell	IA	(515) 281-3221	richard.arnold@legis.state.ia.us	Legislative Member
Sen.	Vernon	Asbill	New Mexico Legislature	Senator	Carlsbad	NM	(505) 986-4393	vernon@asbillforsenate.com	Legislative Member
Mr.	Daren	Bakst	John Locke Foundation	Legal & Regulatory Policy Analyst	Raleigh	NC	(919) 828-3876	dbakst@johnlocke.org	Private Sector Member (M1)
Rep.	Paul	Bandy	New Mexico Legislature		Aztec	NM	(505) 986-4214	paul@paulbandy.org	Legislative Member
Rep.	Roger	Barrus	Utah Legislature		Centerville	UT	(801) 538-1029	rogerbarrus@utah.gov	Legislative Member
Mr.	Joseph	Bast	Heartland Institute	President	Chicago	IL	(312) 377-4000	jbast@heartland.org	Private Sector Member (Info)
Sen.	Eli	Bebout	Wyoming Legislature		Riverton	WY	(307) 777-7711	senbebout@wyoming.com	Legislative Member
Mr.	Jason	Begger	Cloud Peak Energy	Manager of Government Affairs	Gillette	WY	(307) 640-2373	Jason.begger@cldpk.com	Private Sector Member (M1)
Rep.	Wesley	Belter	North Dakota Legislature	Representative	Mapleton	ND	(701) 328-2916	wbelter@nd.gov	Legislative Member
Mr.	Roger	Bernstein	American Chemistry Council, Inc.	Managing Director, State Government Affairs & Grassroots	Arlington	VA	(703) 741-5590	roger_bernstein@americanchemistry.com	Private Sector Member (M1)
Sen.	Brian	Bingman	Oklahoma Legislature	Senator	Oklahoma City	OK	(405) 521-5528	bingman@oksenate.gov	Legislative Member
Rep.	Walter	Bivins	Missouri Legislature	Representative	Saint Louis	MO	(573) 751-9766	w.bivins@sbcglobal.net	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Rep.	Curtis	Blackwood	North Carolina General Assembly	Representative	Matthews	NC	(919) 733-2406	Curtisb@ncleg.net; blackwoodla@ncleg.net	Legislative Member
Ms.	Sano	Blocker	Energy Future Holdings	Sr. Vice President, Public Affairs	Dallas	TX	(214) 812-4720	sblocker@energyfutureholdings.com	Private Sector Member (M1)
Mr.	Robert	Blue	Dominion	Managing Director, State Affairs	Richmond	VA	(804) 771-4517	Robert.m.blue@dom.com	Private Sector Member (M2)
Mr.	Kevin	Boardman	PacifiCorp	Government Affairs	Salt Lake City	UT	(801) 220-6818	Kevin.Boardman@PacifiCorp.com	Private Sector Member (M1)
Rep.	Brian	Bosma	Indiana Legislature		Indianapolis	IN	(317) 232-9604	H88@in.gov	Legislative Member
Rep.	Bill	Callegari	Texas Legislature	Representative	Houston	TX	(512) 463-0528	bill.callegari@house.state.tx.us	Legislative Member
Mr.	Chad	Calvert	BP	Director, Government and Public Affairs	Denver	CO	(303) 830-3254	chad.calvert@bp.com	Private Sector Member (M2)
Mr.	Mike	Cantrell	Continental Resources, Inc.	Director of Government Affairs	Ada	OK	(405) 206-4444	sheilaholmes@contres.com	Private Sector Member (M1)
Mr.	Jeff	Case	CropLife America	Senior Director, Government Affairs	Washington	DC	(202) 368-2560	jcase@croplifeamerica.org	Private Sector Member (M1)
Rep.	Pat	Childers	Wyoming Legislature	Representative	Cody	WY		childers@house.wyoming.com	Alternate
Rep.	Warren	Chisum	Texas Legislature		Pampa	TX	(512) 463-0736	warren.chisum@house.state.tx.us	Legislative Member
Mr.	Chuck	Claunch	Duke Energy Corporation	Regional Director, South Carolina	Columbia	SC	(803) 370-2339	Chuck.Claunch@duke-energy.com	Private Sector Member (M2)
Mr.	Joseph	Cleary	Bayer HealthCare	Director, State Government Affairs	Braintree	MA	(781) 356-0164	joseph.cleary.b@bayer.com	Private Sector Member (M1)

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Mr.	Alan	Cobb	Americans for Prosperity	National Director of State Operations	Arlington	VA	(785) 354-4237	acobb@afphq.org	Private Sector Member (M1)
Sen.	Richard	Colburn	Maryland Legislature		Annapolis	MD	(410) 841-3590	Richard.Colburn@senate.state.md.us	Alternate
Sen.	Lee	Constantine	Florida Legislature		Altamonte Springs	FL	(850) 487-5050	constantine.lee.web@flsenate.gov	Legislative Member
Rep.	Marian	Cooksey	Oklahoma Legislature	Representative	Edmund	OK	(405) 557-7342	mcooksey3@cox.net	Legislative Member
Rep.	Brandon	Creighton	Texas Legislature	Representative	Austin	TX	(512) 463-0726	brandon.creighton@house.state.tx.us	Alternate
Rep.	Betty	De Boef	Iowa Legislature	Representative	Des Moines	IA		betty.deboef@legis.state.ia.us	Alternate
Rep.	Dave	Deyoe	Iowa Legislature		Des Moines	IA	(515) 281-3221	dave.deyoe@legis.state.ia.us	Alternate
Sen.	Merton	Dierks	Nebraska Unicameral Legislature	Senator	Ewing	NE	(402) 471-2801	mdierks@unicam.state.ne.us	Alternate
Mr.	Henry	Dixon	Shell Oil Company		Washington	DC	(202) 466-1473	henry.dixon@shell.com	Private Sector Member (M1)
Mr.	Nick	Drancias	Goldwater Institute		Phoenix	AZ	(602) 462-5000	ndrancias@goldwaterinstitute.org	Private Sector Member (M1)
Rep.	Jeffrey	Duncan	South Carolina Legislature	Representative	Clinton	SC	(803) 734-2974	jeffduncan22@gmail.com	Legislative Member
Mr.	Mark	Dunn	J.R. Simplot Company	Vice President, Government Affairs	Boise	ID	(208)389-7377	madunn@simplot.com	Private Sector Member (M1)
Rep.	Laurence	Ehrhardt	Rhode Island Legislature		Providence	RI	(401) 222-2259	rep-ehrhadt@rilin.state.ri.us	Legislative Member
Rep.	Jim	Ellington	Mississippi Legislature	Representative	Raymond	MS	(601) 359-2431	jellington@house.ms.gov	Legislative Member
Rep.	Terry	England	Georgia General Assembly		Auburn	GA	(404) 656-0183	englandhomeport2@windstream.net	Alternate
Rep.	John	Faber	Kansas Legislature	Representative	Brewster	KS	(785) 296-7500	jfab@st-tel.net	Legislative Member
Sen.	Walter	Felag	Rhode Island Legislature		Providence	RI	(401) 276-5530	sen-felag@rilin.state.ri.us	Legislative Member
Rep.	Barney	Fisher	Missouri Legislature		Jefferson City	MO	(573) 751-5388	barney.fisher@house.mo.gov	Alternate
Sen.	Paul	Fogarty	Rhode Island Legislature		Providence	RI	(401) 276-5589	sen-fogarty@rilin.state.ri.us	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Rep.	Clay	Ford	Florida Legislature	Representative	Pensacola	FL	(850) 488-0895	clay.ford@myfloridahouse.gov	Legislative Member
Rep.	Tim	Freeman	Oregon Legislature	Representative	Salem	OR	(503) 986-1402	rep.timfreeman@state.or.us	Legislative Member
Rep.	Roy	Fund	Kansas Legislature	Representative	Topeka	KS	(785) 296-7671	rocky.fund@house.ks.gov	Alternate
Mr.	Brent	Gale	PacifiCorp	Senior Vice President	Portland	OR	(307) 577-6901		Private Sector Member (M1)
Mr.	Juan	Garcia	Chevron Corporation		Brea	CA	(714) 671-3457		Private Sector Member (M2)
Ms.	Donna	Gehlhaart	International Paper	Sr. Manager - State Gov't Relations	Washington	DC	(202) 628-7258	donna.gehlhaart@ipaper.com	Private Sector Member (M1)
Sen.	Thomas	Gollott	Mississippi Legislature	State Senator	Jackson	MS	228 374 1431	tgollott@senate.ms.gov	Alternate
Mr.	Santana	Gonzalez	Chevron Corporation	Public Affairs Manager	Bellaire	TX	(713) 432-3883	santanagonzalez@chevron.com	Private Sector Member (M1)
Rep.	Bruce	Goodwin	Ohio Legislature	Representative	Columbus	OH	(614) 644-5091	district74@ohr.state.oh.us	Legislative Member
Rep.	William	Gray	New Mexico Legislature		Artesia	NM	(505) 986-4211	wjgray@pvtnetworks.net	Alternate
Mr.	Robert	Greco	American Petroleum Institute	Director, Global Climate Programs	Washington	DC	(202) 682-8000		Private Sector Member (Info)
Mrs.	Molly	Greene	Salt River Project	Sr. Gov't Relations Rep.	Phoenix	AZ	(602) 236-5263	molly.greene@srpnet.com	Private Sector Member (M2)
Sen.	John	Griesheimer	Missouri Legislature	Senator	Jefferson City	MO	(573) 751-3678	jgriesheimer@senate.mo.gov	Legislative Member
Mr.	Hugo	Gutierrez	Marathon Oil Company	Government Affairs	Houston	TX	(713) 296-4145	hagutierrez@marathonoil.com	Private Sector Member (M1)
Rep.	Jimmie	Hall	New Mexico Legislature	Representative	Albuquerque	NM	(505) 986-4216	jimmie.hall@nmlegis.gov	Alternate

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Mr.	Harold	Hamm	Continental Resources, Inc.	Chairman and CEO	Enid	OK	(580) 233-8955	haroldhamm@contres.com	Private Sector Member (M2)
Rep.	Rick	Hardcastle	Texas Legislature	Representative	Austin	TX	(512) 463-0526	rick.hardcastle@house.state.tx.us	Alternate
Rep.	Michael	Harden		State Representative	Atlanta	GA	(404) 656-0305		Legislative Member
Mr.	Russel	Harding	Mackinac Center for Public Policy	Director of Property Rights Network	Midland	MI	989-631-0900	harding@mackinac.org	Private Sector Member (M1)
Mr.	Simon	Hare	National Rural Electric Cooperative Association		Arlington	VA	(703) 907-5500	simon.hare@nreca.coop	Private Sector Member (M2)
Sen.	Ernie	Harris	Kentucky Legislature		Frankfort	KY	(502) 564-8100	ernie.harris@lrc.ky.gov	Legislative Member
Ms.	Kathleen	Hartnett White	Texas Public Policy Foundation	Director of the Center for Natural Resources	Austin	TX	(512) 472-2700	khwhite@texaspolicy.com	Private Sector Member (M1)
Sen.	Brian	Hatfield	Washington Legislature	Senator	Olympia	WA	(360) 786-7636	bhatfield@willapabay.org	Legislative Member
Rep.	David	Hawk	Tennessee Legislature	Representative	Nashville	TN	(615) 741-7482	rep.david.hawk@capitol.tn.gov	Alternate
Rep.	Robert	Helm	Vermont Legislature	Representative	Fair Haven	VT	(802) 828-2247	bob_helm@cbwatson.net	Legislative Member
Rep.	Gordon	Hendrick	Montana Legislature	Representative	Helena	MT	(406) 444-4800	hendrickhd14@yahoo.com	Legislative Member
Rep.	Charles	Hoffman	South Dakota Legislature	State Representative	Pierre	SD	(605) 773-3251	rep.hoffman@state.sd.us	Alternate
Rep.	Roy	Hollandsworth	Montana Legislature	Representative	Helena	MT	(406) 444-4800	hgrain@3riversdbs.net	Alternate
Sen.	Dennis	Hollingsworth	California Legislature		Sacramento	CA	(916) 651-4036	cheryl.mclachlan@sen.ca.gov	Legislative Member
Rep.	Carl	Holmes	Kansas Legislature	Representative	Liberal	KS	(785) 296-7670	repcarl@aol.com	Legislative Member
Sen.	Janea	Holmquist	Washington Legislature	Senator	Olympia	WA	(360) 786-7624	holmquist.janea@leg.wa.gov	Legislative Member
Rep.	Michael	Huebsch	Wisconsin Legislature	Representative	Madison	WI	(608) 266-0631	Rep.Huebsch@legis.wisconsin.gov	Legislative Member
Mr.	Frank	Hurd	The Carpet and Rug Institute	Vice President & Chief Financial Officer	Dalton	GA	(706) 428-2136	fhurd@carpet-rug.org	Private Sector Member (M2)

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Rep.	Scott	Hutchinson	Pennsylvania Legislature	Representative	Harrisburg	PA	(717) 783-8188	shutchin@pahousegop.com	Legislative Member
Sen.	Cindy	Hyde-Smith	Mississippi Legislature	Senator	Brookhaven	MS	(601) 359-3246	chydesmith@senate.ms.gov	Legislative Member
Sen.	Tom	Jensen	Kentucky Legislature		London	KY	(502) 564-8100	tom.jensen@lrc.ky.gov	Legislative Member
Mr.	Bruce	Johnson	BP	Director, Government Affairs Ohio	Columbus	OH	614-227-5805	BruceC.Johnson@bp.com	Private Sector Member (M1)
Mr.	Russell	Jones	American Petroleum Institute		Washington	DC		jonesr@api.org	Private Sector Member (Info)
Rep.	Kris	Jordan	Ohio Legislature	State Representative	Columbus	OH	(614) 644-6711	kris.jordan@ohr.state.oh.us	Legislative Member
Mr.	Christian	Josi	Dezenhall Resources	Senior Vice President	Washington	DC	(202) 296-0263	cjosi@dezenhall.com	Private Sector Member (M1)
Sen.	Ron	Justice	Oklahoma Legislature	Senator	Oklahoma City	OK	(405) 521-5537	justice@oksenate.gov	Alternate
Ms.	Tammy	Kelch	National Rural Electric Cooperative Association	Manager, Legislative Outreach	Arlington	VA	(703) 907-5879	tammy.kelch@nreca.coop	Private Sector Member (M1)
Sen.	Bill	Ketron	Tennessee Legislature	Senator	Murfreesboro	TN	(615) 741-6853	sen.bill.ketron@capitol.tn.gov	Legislative Member
Mr.	Timothy	Kichline	Edison Electric Institute	Manager, State & Local Government Affairs	Washington	DC	(202) 508-5466	tkichline@eei.org	Private Sector Member (M1)
Rep.	Ric	Killian	North Carolina General Assembly	Representative	Charlotte	NC	(919) 733-5886	rick@ncleg.net	Legislative Member
Rep.	Bryan	King	Arkansas General Assembly	Representative	Green Forest	AR	(501) 682-5211	kingb@arkleg.state.ar.us	Legislative Member
Rep.	Tracy	King	Texas Legislature		Austin	TX	(512) 463-0194	district80.king@house.state.tx.us	Alternate
Sen.	Mike	Kopp	Colorado Legislature	Senator	Denver	CO	(303) 866-2638	mike.kopp.senate@state.co.us	Legislative Member
Sen.	Michael	Lamoureux	Arkansas General Assembly	Senator	Russellville	AR	(479) 968-7300	annc@arkleg.state.ar.us	Alternate
Sen.	Chris	Langemeier	Nebraska Unicameral Legislature		Lincoln	NE	(402) 471-2719	clangemeier@leg.ne.gov	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Sen.	Grant	Larson	Wyoming Legislature	Senator	Jackson	WY	(307) 777-7711	senlarson@senate.wyoming.com	Legislative Member
Sen.	Perry	Lee	Mississippi Legislature	Senator	Mendenhall	MS	(601) 359-3250	plee@senate.ms.gov	Alternate
Mrs.	Stephanie	Linn	ALEC	Policy Coordinator	Washington	DC	(202) 466-3800	Slinn@alec.org	Staff
Rep.	Rebecca	Lockhart	Utah Legislature		Provo	UT	(801) 538-1029	blockhart@utah.gov	Legislative Member
Rep.	Thomas	Lockhart	Wyoming Legislature	State Representative	Casper	WY	(307) 777-7852	tlockh1617@aol.com	Legislative Member
Rep.	Dwight	Loftis	South Carolina Legislature		Columbia	SC	(803) 734-3101	dloftis@yahoo.com	Legislative Member
	Bonnie	Loomis	Duke Energy Corporation	Regional Director, State Government Affairs	Columbia	SC	803-261-3280	bonnie.loomis@duke-energy.com	Private Sector Member (M1)
Sen.	LeRoy	Louden	Nebraska Unicameral Legislature		Ellsworth	NE	(402) 471-2725	llouden@leg.ne.gov	Legislative Member
Mr.	Kelly	Mader	Peabody Energy	Vice President, State Government Affairs	Saint Louis	MO	(314) 342-7564	kmader@peabodyenergy.com	Private Sector Chair
Sen.	Francis	Maher	Rhode Island Legislature	State Senator	Providence	RI	(401) 222-2708	frank.maher@yahoo.com	Alternate
Ms.	Laura	Marshall Schepis	National Rural Electric Cooperative Association	Principal, Legislative Affairs	Arlington	VA	(703) 907-5829	laura.marshall@nreca.coop	Private Sector Member (M2)
Rep.	Richard	McClain	Indiana Legislature		Indianapolis	IN	(317) 232-9600	richmcclain@comcast.net	Legislative Member
Rep.	Joe	McCord	Tennessee Legislature	Representative	Nashville	TN	(615) 741-5481	rep.joe.mccord@capitol.tn.gov	Legislative Member
Mr.	Michael	McGarey	Nuclear Energy Institute	Director, State Outreach	Washington	DC	(202) 739-8118	mfm@nei.org	Private Sector Member (M1)
Mr.	Mike	McGraw	Occidental Petroleum Corporation	Vice President, Government Affairs	Sacramento	CA	(916) 503-1409	mike_mcgraw@oxy.com	Private Sector Member (M1)
Sen.	Lesil	McGuire	Alaska Legislature	Senator	Anchorage	AK	(907) 465-2995	Senator_Lesil_McGuire@legis.state.ak.us	Legislative Member
Rep.	Betsy	McKinney	New Hampshire Legislature	Representative	Concord	NH	(603) 271-3125	betsy.mckinney@leg.state.nh.us	Legislative Member
Sen.	Michael	McLachlan	Connecticut General Assembly	Senator	Hartford	CT	(860) 240-0068	michael.mclachlan@cga.ct.gov	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Rep.	James	McNeil	Vermont Legislature		Rutland Town	VT	(802) 828-2247	jmcneil@leg.state.vt.us	Legislative Member
Rep.	Frank	McNulty	Colorado Legislature	State Representative	Highlands Ranch	CO	(303) 866-2936	frank@frankmcnulty.com	Legislative Member
Ms.	Jennifer	Mendez	The Carpet and Rug Institute	Director, Government Relations	Arlington	VA	(703) 875-0634	jmendez@carpet-rug.org	Private Sector Member (M1)
Rep.	Ray	Merrick	Kansas Legislature	House Majority Leader	Topeka	KS	(785) 296-7662	ray.merrick@house.ks.gov	Alternate
Del.	Carol	Miller	West Virginia Legislature	State Representative	Huntington	WV	(304) 340-3176	carolmil@mail.wvnet.edu	Legislative Member
Rep.	Lawrence	Miller	Connecticut General Assembly	Representative	Stratford	CT	(860) 240-8700	Lawrence.Miller@housegop.state.ct.us	Legislative Member
Mr.	Craig	Mischo	Bayer HealthCare	Sr. Regional Manager, SGA	Woodbury	MN	(651) 714-0316	craig.mischo.b@bayer.com	Private Sector Member (M2)
Sen.	Tommy	Moffatt	Mississippi Legislature	Senator	Jackson	MS	(601) 359-3232	sen52@cableone.net	Legislative Member
	Julie	Moore	Occidental Oil & Gas Co.	Vice Pres., Gov't Affairs	Austin	TX		julie_moore@oxy.com	Private Sector Member (M2)
Rep.	Robert	Moore	Arkansas General Assembly	State Representative	Little Rock	AR	(501) 682-2920	moorer@arkleg.state.ar.us	Legislative Member
Mr.	Michael	Morgan	Koch Companies Public Sector, LLC	Consultant	Andover	KS	(316) 207-8900 (c)	m.morgan33@cox.net	Private Sector Member (M1)
Mr.	Thomas	Moskitis	American Gas Association	Managing Director, External Affairs	Washington	DC	(202) 824-7031	tmoskitis@aga.org	Co-Chair
Mrs.	Carolyn	Moss	Dominion Resources Services Inc.	Managing Director, Mid Atlantic State & Local Affairs	Herndon	VA	(703) 375-5960	carolyn.moss@dom.com	Private Sector Member (M1)
Mr.	Andrew	Moylan	National Taxpayers Union	Director of Government Affairs	Alexandria	VA	703-683-5700	amoylan@ntu.org	Private Sector Member (M2)
Ms.	Charlene	Murdock	MDU Resources Group, Inc.	WY Government Affairs Representative	Gillette	WY	(307) 670-3961	charlene.murdock@mduresources.com	Private Sector Member (M2)

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Mr.	Kevin	Murphy	ExxonMobil Corporation	U.S. Government Relations Manager	Irving	TX	(972) 444-1117	kevin.murphy@exxonmobil.com	Private Sector Member (M1)
Mr.	Todd	Myers	Washington Policy Center	Director of Environmental Policy	Seattle	WA	(206) 963-3409	tmyers@washingtonpolicy.org	Private Sector Member (M1)
Rep.	Frank	Niceley	Tennessee Legislature	Representative	Nashville	TN	(615) 741-4419	rep.frank.niceley@capitol.tn.gov	Legislative Member
Mr.	Nick	Nichols	Dezenhall Communications Mgmt. Group, LTD	Chair/CEP/founder	Washington	DC			Private Sector Member (M2)
Sen.	Tom	Niehaus	Ohio Legislature		New Richmond	OH	(614) 466-8082	SD14@senate.state.oh.us	Legislative Member
Rep.	Kristi	Noem	South Dakota Legislature		Pierre	SD	(605) 881-2526	rep.noem@state.sd.us	Legislative Member
Ms.	Tracey	Norberg	Rubber Manufacturers Association	Senior Vice President	Washington	DC	(202) 682-4839	tnorberg@rma.org	Private Sector Member (M2)
Rep.	Darrell	Nottestad	North Dakota Legislature	Representative	Grand Forks	ND	(701) 328-3373	dnottestad@nd.gov	Legislative Member
Sen.	Ralph	Okerlund	Utah Legislature	State Senator	Salt Lake City	UT	(801) 538-1035	rokerlund@live.com	Legislative Member
Rep.	Betty	Olson	South Dakota Legislature	Representative	Prairie City	SD	(605) 855-2824	bets_reva@hotmail.com	Alternate
Rep.	Steven	Olson	Iowa Legislature		De Witt	IA	(515) 281-3221	steven.olson@legis.state.ia.us	Legislative Member
Sen.	Ralph	Ostmeyer	Kansas Legislature	Senator	Grinnell	KS	(785) 296-7399	rkostmey@st-tel.net	Legislative Member
Mr.	Mark	Ourada	American Coalition for Clean Coal Electricity (ACCCE)	Vice President for External Affairs	Buffalo	MN	(703) 302-1213	mourada@cleancoalusa.org	Private Sector Member (M1)
Rep.	Stephen	Palmer	New Hampshire Legislature	Representative	Concord	NH	(603) 271-3125	SPalmer_Peanuts@msn.com	Legislative Member
Rep.	Ruth Ann	Palumbo	Kentucky Legislature	Representative	Lexington	KY	(502)564-8100	ruthannpalumbo@qx.net	Alternate
Sen.	Patricia	Pariseau	Minnesota Legislature	Senator	Saint Paul	MN		sen.pat.pariseau@senate.mn	Legislative Member
Mr.	Gregory	Pauley	American Electric Power Company Inc.	Director of Public Policy	Columbus	OH	614-716-2345	ggpauley@aep.com	Private Sector Member (M1)

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Sen.	William	Payne	New Mexico Legislature		Albuquerque	NM	(505) 986-4276	william.payne@nmlegis.gov	Legislative Member
Sen.	Joey	Pendleton	Kentucky Legislature		Frankfort	KY	(502) 564-2470	joey.pendleton@lrc.ky.gov	Legislative Member
Rep.	Brandon	Phelps	Illinois Legislature	Representative	Harrisburg	IL	(217) 782-5131	bphelps@yourclearwave.com	Legislative Member
Sen.	Steve	Pierce	Arizona Legislature	Senator	Phoenix	AZ	(602) 926-5584	spierce@azleg.gov	Legislative Member
Rep.	John	Piscopo	Connecticut General Assembly	Representative	Hartford	CT	(860) 240-8700	john.piscopo@housegop.state.ct.us	Legislative Member
Rep.	Larry	Powell	Kansas Legislature	Representative	Topeka	KS	(785) 296-7694	lpowell18@cox.net	Alternate
Rep.	Lee	Randall	Montana Legislature		Broadus	MT	(406) 444-4800	LeeRandall_2003@hotmail.com	Legislative Member
Sen.	Leonidas	Raptakis	Rhode Island Legislature	Senator	Providence	RI	(401) 276-5567	sen-raptakis@rilin.state.ri.us	Alternate
Rep.	Phillip	Richardson	Oklahoma Legislature	Representative	Oklahoma City	OK	(405) 557-7401	philrichardson@okhouse.gov	Legislative Member
Sen.	Dorsey	Ridley	Kentucky Legislature		Henderson	KY	(502) 564-8100	dorsey.ridley@lrc.ky.gov	Alternate
Rep.	Beverly	Rodeschin	New Hampshire Legislature		Newport	NH	(603) 271-3165	rodys@comcast.net	Legislative Member
Rep.	Carl	Rogers	Georgia General Assembly	Representative	Atlanta	GA	(404) 463-2247	carl.rogers@house.ga.gov	Alternate
Mr.	David	Roznowski	LyondellBasell Industries	Manager, State Government Affairs	Houston	TX	(713) 309-7346	david.roznowski@lyondellbasell.com	Private Sector Member (M1)
Rep.	Ruth	Samuelson	North Carolina General Assembly		Raleigh	NC	(919) 715-3009	ruths@ncleg.net	Legislative Member
Rep.	Howard	Sanderford	Alabama Legislature		Huntsville	AL	(334) 242-4368	hs1989@aol.com	Legislative Member
Rep.	Mike	Sanders	Oklahoma Legislature	Representative	Oklahoma City	OK	(405) 557-7407	mike.sanders@okhouse.gov	Alternate
Rep.	Bill	Sandifer	South Carolina Legislature	Representative	Seneca	SC	(803) 734-3015	wes@schouse.org	Legislative Member
Mr.	Ronald	Scheberle	ALEC	PEB Chairman Emeritus	Irving	TX	(214) 557-6769	ronscheberle@sbcglobal.net	Staff
Rep.	Joe	Schmick	Washington Legislature	State Representative	Olympia	WA	(360) 786-7844	schmick.joe@leg.wa.gov	Legislative Member
Rep.	Shane	Schoeller	Missouri Legislature	Representative	Jefferson City	MO	(573) 751-2948	shane.schoeller@house.mo.gov	Legislative Member
Sen.	Kel	Seliger	Texas Legislature	Senator	Austin	TX	(512) 463-0131	kel.seliger@senate.state.tx.us	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Mr.	Richard	Shelby	American Gas Association		Washington	DC	202-824-7210	rshelby@aga.org	Private Sector Member (M2)
Del.	Tanya	Shewell	Maryland Legislature		Westminster	MD	(410) 841-3371	tanya.shewell@house.state.md.us	Legislative Member
Mr.	Jonathan	Shore	American Petroleum Institute	Manager, External Mobilization	Washington	DC	(202) 682-8116	shorej@api.org	Private Sector Member (M1)
Mr.	Rob	Shrum	ALEC	Director of Corporate & Non-Profit Relations	Washington	DC	(202) 466-3800	rshrum@alec.org	Staff
Mr.	Martin	Shultz	Pinnacle West Capital Corp.	Vice President, Government Affairs	Phoenix	AZ	(602) 250-2866	martin.shultz@pinnaclewest.com	Co-Chair
Mr.	Geoff	Simon	MDU Resources Group, Inc.	Director, State Government Affairs	Bismarck	ND	(701) 530-1086	geoff.simon@mduresources.com	Private Sector Member (M1)
Sen.	Douglas	Smith	Maine Legislature	Senator	Dover-Foxcroft	ME	(207) 287-1505	dsmith@kynd.net	Legislative Member
Rep.	Lynn	Smith	Georgia General Assembly		Atlanta	GA	(404) 656-7149	lynn.smith@house.ga.gov	Legislative Member
Mr.	Russell	Smoldon	Salt River Project	Manager State Government Relations	Phoenix	AZ	(602) 236-2834	Russell.Smoldon@srpnet.com	Private Sector Member (M1)
Sen.	V.	Sosnowski	Rhode Island Legislature	State Senator	Providence	RI		sen-sosnowski@rilin.state.ri.us	Alternate
Del.	Richard	Sossi	Maryland Legislature		Annapolis	MD	(410) 841-3543	richard.sossi@house.state.md.us	Legislative Member
Mr.	Scott	Spendlove				CO			Private Sector Member (M2)
Mr.	John	Stephenson	National Taxpayers Union	State Gov't Affairs Manager	Alexandria	VA	703-683-5700	jstephenson@ntu.org	Private Sector Member (M1)
Rep.	John	Stevenson	Idaho Legislature		Rupert	ID	(208) 334-2475	jstevenson@house.idaho.gov	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Ms.	Judy	Stokey	NV Energy, Inc.	Director, Government Affairs	Las Vegas	NV	(702) 402-5646	jstokey@nevpa.com	Private Sector Member (M1)
Mr.	James	Taylor	Heartland Institute	Manging Editor, Environment and Climate News	Parrish	FL	312-377-4000	nikki@heartland.org	Private Sector Member (M1)
Rep.	Matt	Teeters	Wyoming Legislature		Cheyenne	WY	(307) 777-7852	mteeters@wyoming.com	Alternate
Sen.	Francis	Thompson	Louisiana Legislature	Senator	Delhi	LA	(225) 342-2040	thompsonf@legis.state.la.us	Legislative Member
Rep.	Michael	Thompson	Oklahoma Legislature	Representative	Oklahoma City	OK		mikethompson@okhouse.gov	Alternate
Sen.	Ross	Tolleson	Georgia General Assembly	Senator	Atlanta	GA	(404) 656-0081	ross.tolleson@senate.ga.gov	Legislative Member
Rep.	Gerald	Uglen	North Dakota Legislature	Representative	Northwood	ND	(701) 328-2916	guglen@nd.gov	Alternate
Rep.	Karl	Van Roy	Wisconsin Legislature	Representative	Green Bay	WI	(608) 266-0616	Rep.VanRoy@legis.wisconsin.gov	Legislative Member
Rep.	Kim	Vanneman	South Dakota Legislature		Pierre	SD	(605) 773-3251	rep.vanneman@state.sd.us	Legislative Member
Rep.	Don	Vigesaa	North Dakota Legislature	Representative	Cooperstown	ND		dwwigesaa@nd.gov	Legislative Member
Sen.	Frank	Wagner	Virginia General Assembly	Senator	Virginia Beach	VA	(804) 698-7507	fwagner@davisboat.com	Legislative Member
Rep.	Wendy	Warburton	Montana Legislature	Representative	Havre	MT	(406) 444-4800	wendywarburton@gmail.com	Legislative Member
Del.	Lee	Ware	Virginia General Assembly	Delegate	Powhatan	VA	(804) 698-1011	DelOWare@house.virginia.gov	Legislative Member
Mr.	Matthew	Warner	Atlas Economic Research Foundation	Director of U.S. Programs	Washington	DC	202-449-8454	matt.warner@atlasnetwork.org	Private Sector Member (Info)
Rep.	Ralph	Watts	Iowa Legislature	Representative	Des Moines	IA	(515) 281-3221	ralph.watts@legis.state.ia.us	Legislative Member
	Bryan	Weynand	ALEC	Legislative Assistant, Civil Justice & Natural Resources Task Force	Washington	DC	(202) 466-3800	bweynand@alec.org	Staff
Rep.	Jack	Williams	Alabama Legislature		Montgomery	AL	(334) 242-7600	jack@jackwilliams.org	Legislative Member

Energy, Environment and Agriculture Task Force Roster

	First	Last	Organization	Title	City	St	Phone	Email	Member
Ms.	Rosemary	Wilson	American Coalition for Clean Coal Electricity (ACCCE)	Vice President - Policy	Ballwin	MO	(703) 302-1216	rwilson@cleancoalusa.org	Private Sector Member (M2)
Rep.	David	Winters	Illinois Legislature	Representative	Rockford	IL		repwinters@aol.com	Legislative Member
Rep.	David	Wolkins	Indiana Legislature	Representative	Winona Lake	IN	(317) 232-9600	daw8144@gmail.com	Task Force Chair
Mr.	Clint	Woods	ALEC	Director, Energy, Environment and Agriculture Task Force	Washington	DC	(202) 466-3800	cwoods@alec.org	Staff
Mr.	Josh	Young	American Chemistry Council, Inc.	Director, State Affairs & Grassroots	Arlington	VA	(703) 741-5569	josh_young@americanchemistry.com	Private Sector Member (M2)
Mr.	Dan	Zielinski	Rubber Manufacturers Association		Washington	DC	(202) 682-4846	dzielinski@rma.org	Private Sector Member (M1)
Rep.	Henry	Zuber	Mississippi Legislature	State Representative	Jackson	MS	(601) 576-2508	hank1@cableone.net	Alternate



**Energy, Environment and Agriculture Task Force Meeting
ALEC's 2010 Annual Meeting
August 7, 2010
Meeting Minutes**

In attendance:

Rep. Jim Ellington, MS
James Taylor, Heartland
Rep. Tom Lockhart, WY
Carolyn Moss, Dominion
Nick Dranias, Goldwater
Rep. Paul Bandy, NM
Rep. James Strickler, NM
Todd Myers, WPC
John Stevenson, NTU
Sen. Ralph Okerlund, UT
Sen. Tom Niehaus, OH
Rep. Betty De Boef, Iowa
Rep. Bette Grande, ND
Sen. Bob Marshall, KS
Rep. Brenda Heller, ND
Jeanelle McCain, Progress Energy
Rep. Frank Pratt, AZ
Rep. Rebecca Lockhart, UT
David Roznowski, LyondellBasell
Rep. Randy Weber, TX
Rep. Larry Miller, CT
Donna Gelhart, International Paper
Jenn Mendez, Carpet and Rug
Russell Smoldon, Salt River Project
Rep. Russ Jones, AZ
Mike McGarey, NEI
Rep. Harvey Morgan, VA
Rep. Larry Powell, KS
Sen. Ralph Ostmeyer, KS
Sen. Tommy Moffatt, MS
Sen. Perry Lee, MS
Mario Loyola, TPPF
Sen. Michael Lamoureux, Arkansas

Myron Ebell of CEI spoke on “The Politics of EPA Regulation of Greenhouse Gas Emissions”

Dr. Wallace Walrod of Fueling California spoke on “Energy Policy and Fuel Prices in California”

Assemblyman Dan Logue (CA) spoke on “The Effort to Suspend California’s Global Warming Law (Proposition 23)”

Phil Powell of Dominion spoke on Dominion’s Smart Meters

Eminent Domain Authority for Federal Lands Act, State Sovereignty through Local Coordination Act, and Decentralized Land Use Regulation for Rural Counties passed by unanimous vote.

John Indall of Uranium Producers of America spoke on “Uranium Supply and Production”

David Asti of Southern California Edison spoke on “Adverse Regulation of Power Plant Water Use”

ATTENDEE

REGISTRATION / HOUSING FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC



Early registration deadline: November 10, 2010
Housing cut-off date: November 04, 2010

**Grand Hyatt Washington
Hotel**
1000 H Street, NW
Washington, DC 20001

December 1-3, 2010

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern
Registration: 202.742.8538 / Housing: (800) 221-3531

Mail • ALEC Registration & Housing
P.O. Box 96754 • Washington, DC 20090-6754

ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Address _____ Suite # _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____
Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form.

REGISTRATION INFORMATION

****Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel****

DISCOUNTED REGISTRATION FEES are extended only to registrants booking ALEC's headquarter hotel. Your \$50 savings will become valid when accommodations are confirmed.

Note: Member fees are subject to verification

- ☐ I have already registered # _____
- ☐ ALEC Legislative Member
- ☐ Legislator / Non-Member
- ☐ Newly Elected Legislator (2010 Election Cycle)
- ☐ ALEC Private Sector Member
- ☐ Private Sector Non-Member
- ☐ ALEC Non-Profit Member (501(c)(3) status required)
- ☐ Non-Profit Non-Member (501(c)(3) status required)
- ☐ Legislative Staff / Government
- ☐ ALEC Legacy Member

	Early Until 11/10	On-Site Begin 11/11	Amount
<input type="checkbox"/> I have already registered # _____			
<input type="checkbox"/> ALEC Legislative Member	\$ 375	\$ 475	\$ _____
<input type="checkbox"/> Legislator / Non-Member	\$ 475	\$ 575	\$ _____
<input type="checkbox"/> Newly Elected Legislator (2010 Election Cycle)	\$ 375	\$ 475	\$ _____
<input type="checkbox"/> ALEC Private Sector Member	\$ 725	\$ 875	\$ _____
<input type="checkbox"/> Private Sector Non-Member	\$ 925	\$ 1100	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$ 525	\$ 625	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$ 675	\$ 825	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$ 400	\$ 500	\$ _____
<input type="checkbox"/> ALEC Legacy Member	\$ 0	\$ 0	\$ _____

Promo Code _____

TOTAL REGISTRATION FEES: \$ _____

Note: Registration forms with enclosed payments must be postmarked by November 10, 2010 to be eligible for early registration rates. Forms and/or payments received after November 10 will be subject to the on-site registration rate. If registering after November 10, please bring completed form and payment to register on-site.

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 10, 2010 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 10, 2010.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS NOVEMBER 4, 2010

****Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel****

- ☐ I do not require a reservation at this time.

Arrival Date _____ Departure Date _____

- ☐ Sharing room with _____

Room type

- ☐ Single (1 person - 1 bed) \$ 269
- ☐ Double (2 persons - 1 bed) \$ 294
- ☐ Db/Db (2 persons - 2 beds) \$ 294
- ☐ Triple (3 persons - 2 beds) \$ 319
- ☐ Quad (4 persons - 2 beds) \$ 344
- ☐ Government rate Not Available

* All rates DO NOT include sales tax 14.5 % (subject to change)

Suites and upgraded accommodations are available upon request. Please call ALEC Housing at the number listed above for additional information.

Special requests

- ☐ ADA room required:
_____ Audio _____ Visual _____ Mobile
- ☐ Rollaway / crib: _____
- ☐ Other: _____

METHOD OF HOUSING PAYMENT

- ☐ Please use the same method of payment as above.

Credit Card: Credit Cards will be used to guarantee the reservation.

- ☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) _____ Security Code _____

Signature _____

Checks: Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC and send to above address.

Note: Cutoff for reservations at the ALEC rate is November 4, 2010. After November 4, 2010, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of one night room and tax. Please obtain a cancellation number when your reservation is cancelled.

SPOUSE / GUEST REGISTRATION / HOUSING FORM

December 1-3, 2010

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
ALEC

**Grand Hyatt Washington
Hotel**
1000 H Street, NW
Washington, DC 20001



Grand Hyatt Washington

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions • Mon-Fri, 8am-5:30 pm Eastern
202.742.8538

Mail • ALEC Registration & Housing
P.O. Box 96754 • Washington, DC 20090-6754

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Address _____ Suite # _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.
4. Spouse / guest registrants are not eligible to attend ALEC Task Force meetings.

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES	Number of Spouse/Guest(s)	Early Until 11/10	On-Site Begin 11/11	TOTAL
<input type="checkbox"/> Spouse / Guest <i>please note name(s) above</i>	_____	\$ 150	\$ 150	\$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express Card # _____
☐ Visa Cardholder (please print) _____
☐ MasterCard Exp Date (mm/yy) _____ Security Code _____
Signature _____

Checks: Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

Note: If registering after November 10, please bring completed form and payment to register on-site.

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation to the address provided above. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 10, 2010 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 10, 2010.



Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to a predetermined set limit for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for a two-night stay are covered by ALEC.
3. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
4. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
5. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
 - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
 - educational communication and correspondence campaigns;
 - issue specific briefings, press conferences and press campaigns;
 - witness testimony and the activities of policy response teams;
 - workshops at ALEC's conferences; and
 - specific focus events.
- D. The Executive Director is to ~~Task Forces are responsible for developing an annual budgets,~~ which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

III. GENERAL PROCEDURES

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
 - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
 - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
 - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but

should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

VII. REMOVAL AND VACANCIES

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
 - (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
 - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
 - Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
 - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
 - History of Task Force action
 - Previous ALEC official action/resolutions
 - Issue before the board
 - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
 - Task Force Chair(s) will be invited to attend the Board Review
 - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
 - Twenty minutes that is equally divided will be given for both sides to present before the Board.
 - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
 - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
 - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.

RESOLUTION TO RETAIN STATE SOVEREIGNTY OVER INTRASTATE WATER RESOURCES

WHEREAS, the 10th Amendment of the United States Constitution preserves powers not delegated to the federal government for the states, establishing federalism and state sovereignty as integral founding principles of American government; and

WHEREAS, the United States Supreme Court in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers* (2001) and *Rapanos v. United States* (2006) held that the Federal Water Pollution Control Act (The Clean Water Act) did not intend to grant federal authority over intrastate waters, and that these waters were not subject to regulation under the interstate commerce clause of the United States Constitution; and

WHEREAS, Senate Bill 787 and House Bill 5088 (2009) would expand the Clean Water Act's jurisdiction from "navigable waters of the United States" to "waters of the United States," and define "waters of the United States" to mean "all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds;" and

WHEREAS, this definition grants the United States Environmental Protection Agency broad and vague flexibility to interpret federal jurisdiction expansively, which they attempted to do under the current law and with which the Supreme Court disagreed; and

WHEREAS, these bills represent a clear attempt by the federal government to deprive states of their jurisdiction over intrastate waters and place all water resources under the control of the federal government; and

WHEREAS, this would severely diminish state sovereignty over its natural resources, and it would detrimentally involve the federal government in an inefficient and cumbersome effort to regulate highly localized water resources such as abandoned pits and ponds; and

WHEREAS, jurisdiction over intrastate water resources is a role traditionally held by individual state governments in order to promote efficient and effective usage;

THEREFORE BE IT RESOLVED THAT:

{insert state} supports the continued sovereignty and jurisdiction of the states to regulate intrastate water resources and opposes any attempt by the federal government to diminish this jurisdiction unnecessarily.

RESOLUTION ON BEST AVAILABLE CONTROL TECHNOLOGY FOR COAL-BASED ELECTRIC GENERATION

WHEREAS, the United States Environmental Protection Agency (EPA) will shortly begin regulating greenhouse gas emissions under the federal Clean Air Act; and

WHEREAS, as a result of EPA's action, major new sources of electric generation will be mandated to obtain Prevention of Significant Deterioration (PSD) permits setting forth Best Available Control Technology requirements for greenhouse gases; and

WHEREAS, major uncertainty exists because trial technologies, such as carbon capture and sequestration or integrated gasification combined cycle power plants, which hold significant prospect to reduce greenhouse gas emissions, are still years away from being proven to be economically practicable or commercially available; and

WHEREAS, this uncertainty could paralyze the long-term planning and development of new electric generating units in the state at a time when the economy faces a critical void in the coming years of the electric power needed to support economic recovery and growth; and

WHEREAS, highly efficient power technologies, such as super-critical and ultra super-critical coal-fired electric generating units, represent a significant advancement over earlier generation coal units in terms of efficient use of coal and in reductions of emissions, and are compatible with carbon capture and sequestration systems when they become commercially viable, which will lead to even further greenhouse gas reductions; and

WHEREAS, these super-critical technologies are already demonstrated to serve the dual purpose of reducing the overall emissions profile of the electricity generation unit while providing efficient, affordable, and available power today and into the future; and

WHEREAS, it is in the state's interest to support the use of these advanced and available technologies that take advantage of existing coal reserves to offer the state significant environmental and economic advantages, rather than delay development of critically needed baseload electricity supply or resort fully to less efficient or more expensive technologies:

NOW THEREFORE BE IT RESOLVED that the members of the legislature of **{insert state}** hereby urge the **{insert state department}**, in issuing PSD permits for new conventional coal-fueled electric generating units, and consistent with otherwise applicable law, to fully consider:

(1) The need to act expeditiously in accordance with the state's need to develop new electric generation; and

(2) The use of commercially available technologies that are designed to be as efficient as is economically practicable, including advanced super-critical pulverized coal, ultra super-critical pulverized coal, and that are designed to be carbon capture and sequestration-compatible, as potential Best Available Control Technology; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the {insert state department} is subject in the PSD process, and shall be interpreted to be consistent with any requirements of such state or federal law.

AGRICULTURAL SUSTAINABILITY ACT

Summary: The Agricultural Sustainability Act is intended to serve as a model for states in defining sustainable agriculture in legislation or regulations. The definition recognizes the social, economic, environmental and long term benefits of modern agriculture production technologies.

Sustainability: For purposes of this sections, references to “sustainable,” “sustainable agriculture,” “sustainability” or “sustainability grown” include science-based practices supported by research, including the use of technology, demonstrated to lead to broad outcomes-based improvements to meet the needs of the present and improve the ability for future generations to meet their own needs, while advancing progress toward environmental, social, and economic goals and the well-being of agricultural producers and rural communities. Utilizing continuous improvement principles, critical outcomes to consider include increasing agricultural productivity; improving human health through access to safe, nutritious and affordable food; and enhancing agricultural and surrounding environments, including water, soil and air quality, biodiversity and habitat preservation.

THE CAPITAL RECOVERY FOR CLEAN ENERGY GENERATING PLANTS ACT

Summary: The purpose of of this legislation is to provide for the recovery of prudently incurred costs associated with new clean energy generation facilities, while at the same time protecting customers of investor-owned electric utilities from responsibility for imprudent financial obligations or costs.

The legislation defines clean energy generating facility as any new electric generating station designed to avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, including but not limited to nuclear energy, wind energy, solar energy, biomass and geothermal energy.

The legislation authorizes a state public service commission to approve development and construction of a new clean energy generating plant in two distinct steps:

- On application by a company, a public service commission may issue a clean energy project development order, which establishes the prudence of a utility's decision to incur preconstruction costs associated with a clean energy plant. A clean energy project development order allows a utility to recover all preconstruction costs, absent a specific finding of imprudence.
- On application by a company, a public service commission may issue a clean energy project construction order, which establishes that, if a plant is constructed in accordance with an approved construction schedule, approved capital cost estimates, and approved projections of in-service expenses, the plant is considered to be used and useful for utility purposes such that its capital costs are prudent utility costs and can be included in rates. During construction, the company may recover through revised rates its weighted average cost of capital applied to construction work in progress.

If the company decides to abandon a project after issuance of a clean energy project development order or a clean energy project construction order, preconstruction costs and capital costs related to that project may be recovered, although the utility will bear the burden of proving that the decision to abandon the plant was prudent. Recovery of capital costs and the utility's cost of capital associated with them may be disallowed only to the extent that the failure by the utility to anticipate or avoid the allegedly imprudent costs was imprudent, considering the information available to the utility at the time.

The legislation includes substantial protections for consumers, including provisions for the Office of Regulatory Staff to review and audit revised rates and the information supporting them, and propose changes for the commission's consideration.

THE CAPITAL RECOVERY FOR CLEAN ENERGY GENERATING PLANTS ACT

Section I. Purpose and findings

A) The purpose of of this Act is to provide for the recovery of the prudently incurred costs associated with new clean energy generation plants when constructed by investor-owned electrical utilities, while at the same time protecting customers of investor-owned electrical utilities from responsibility for imprudent financial obligations or costs.

The Legislature finds that it is the policy of the State to:

1. Promote and foster the prudent construction of clean energy generating capacity by electric utilities;
2. Take advantage of advances in clean energy technology to avoid or reduce regulated air emissions, including sulfur dioxide, nitrogen oxides and carbon dioxide;
3. Protect the economic interests of the ratepayers of the State by providing stable and predictable rates associated with construction of electric generating facilities employing clean energy technology, through a predetermination of need as indicated by the utility's integrated resource planning process and prudence, and assurance of recovery of pre-construction and construction costs for those facilities.

Section II. Definitions

A) The following terms, when used in this Act, shall have the following definitions, unless another meaning is clearly apparent from the context:

1. "AFUDC" means the allowance for funds used during construction of a plant calculated according to regulatory accounting principles.
2. "Clean energy generating plant," "plant," "clean energy generating facility," or "facility" means a new electric generating station that will use electric generation technology designed to avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, including but not limited to nuclear energy, wind energy, solar energy, biomass and geothermal energy.
3. "Clean energy project construction application" or "application" means an application for the construction of a clean energy generation plant under the terms of this Act.
4. "Clean energy project construction order" means an order issued by the Public Service Commission establishing that, if a plant is constructed in accordance with an approved construction schedule, approved capital cost estimates, and approved projections of in-service expenses, as defined herein, the plant is considered to be used and useful for utility purposes such that its capital costs are prudent utility costs and are properly included in rates.
5. "Capital costs" or "plant capital costs" means costs associated with the design, siting, selection, acquisition, licensing, construction, testing, and placing into

- service of a clean energy generating plant, and capital costs incurred to expand or upgrade the transmission grid in order to connect the plant to the transmission grid, and includes costs that may be properly considered capital costs associated with a plant under generally accepted principles of regulatory or financial accounting, and specifically includes AFUDC associated with a plant and capital costs associated with facilities, project contingency reserves or investments for the transportation, delivery, storage, and handling of fuel.
6. “Commission” means the state Public Service Commission.
 7. “Construction work in progress” means capital costs as defined above associated with a clean energy generating plant which have been incurred but have not been included in the utility’s plant-in-service.
 8. “General rate proceeding” means a rate case proceeding and other applicable provisions for the establishment of new electric rates and charges, and where orders in general rate proceedings are referenced in this Act, these orders include rate orders issued in proceedings under this Act.
 9. “In-service expenses” means reasonably projected expenses recognized under generally accepted principles of regulatory and financial accounting as a result of a clean energy generating plant commencing commercial operation, including:
 - a. expenses associated with operating and maintaining a plant, as well as taxes and governmental charges applicable to the plant, including taxes other than income taxes;
 - b. depreciation and amortization expenses related to the plant;
 - c. revenue requirements related to the utility’s cost of capital applied to the investment in supplies, inventories, and working capital associated with the plant; and
 - d. other costs determined by the commission to be appropriate for ratemaking purposes. In-service expenses include, but are not limited to, labor, supplies, insurance, general and administrative expenses, and the cost of outside services, but do not include costs recovered as fuel costs through other rate provisions.
 10. “Person” means any individual, group, firm, partnership, or corporation.
 11. “Preconstruction costs” means all costs associated with a potential plant incurred before issuance of a final state certificate including, without limitation, the costs of evaluation, design, engineering, environmental and geotechnical analysis and permitting, contracting, other required permitting including early site permitting and combined operating license permitting, initial site preparation costs and related consulting and professional costs, and use of project contingency reserves associated with these activities, and shall include AFUDC associated with those costs. For potential plants located in other states, the costs must be those incurred before issuance of a certificate by the host state under comparable statutes.
 12. “Proceeding” means the proceeding to consider an application pursuant to this Act.

13. “Office of Regulatory Staff” is a state government entity responsible for auditing public utilities in the state and represents the public interest in matters before the Public Service Commission.
14. “Clean energy project development application” means an application for a clean energy project development order.
15. “Clean energy project development order” means an order establishing the prudence of a utility’s decision to incur preconstruction costs associated with a clean energy plant.
16. “Return on equity” means the return on common equity established in the clean energy project construction order for a plant. A project-specific return on equity set hereunder shall apply exclusively to the establishment of the weighted average cost of capital under this Act and shall not be used for reporting or any other purpose.
17. “Revised rates” means a revised schedule of electric rates and charges reflecting a change to the utility’s then current nonfuel rates and charges to add incremental revenue requirements related to a clean energy plant as authorized in this Act. For a plant under construction, until it enters commercial operation the rate adjustments related to the plant shall include recovery of the weighted average cost of capital applied to the outstanding balance of capital costs of that plant only and shall not include depreciation or other items constituting a return of capital to the utility. In lieu of revised rates, a rider may be used to streamline the ratemaking process and to provide additional certainty to the project developer.
18. “Revised rates order” means an order issued by the commission approving, modifying, or denying the utility’s request to charge revised rates under this Act, which revised rates order an aggrieved party may contest in an adversarial hearing before the commission.
19. “Revised rates proceedings” means all proceedings to consider an application for revised rates or review of a revised rates order.
20. “Utility” means a person owning or operating equipment or facilities for generating, transmitting, or delivering electricity to state retail customers for compensation but it shall not include a person furnishing electricity only to himself, itself, its residents, employees, or tenants when the electricity is not resold or used by others.
21. “Weighted average cost of capital” or “cost of capital” means the average cost of debt and equity capital for the project:
 - a. incorporating the allowed return on equity for the project;
 - b. incorporating the project’s weighted average cost of debt;
 - c. weighting (a) and (b) according to the project’s capital structure for ratemaking purposes, as established in the order and
 - d. adjusting the result for the effect of income taxes.

Section III. Clean Energy Project Development

- A) The provisions of this Section apply to the preconstruction costs of a clean energy generating facility.
- B) At any time before the filing of an application under this Act related to a specific plant, a utility may file a clean energy project development application with the commission.
- C) In a clean energy project development application, the utility shall:
 - 1. describe the plant being considered and shall designate:
 - a) the anticipated generation capacity (or range of capacity) of the plant; and
 - b) the projected annual capacity factors or range of factors of the plant;
 - 2. provide information establishing the need for the generation capacity represented by the potential plant and the need for generation assets with the indicative annual capacity factors of the potential plant;
 - 3. provide information establishing the reasonableness and prudence of the potential fuel sources and potential generation types that the utility is considering for the plant; and
 - 4. provide such other information as may be required to establish that the decision to incur preconstruction costs related to the potential plant is prudent (as indicated by the utility's integrated resource plan) considering the information known to the utility at the time and considering the other alternatives available to the utility for supplying its generation needs.
- D) The commission shall issue a clean energy project development order affirming the prudence of the utility's decision to incur preconstruction costs for the plant specified in the application if the utility demonstrates by a preponderance of evidence that the decision to incur preconstruction costs for the plant is prudent. In issuing its clean energy project development order, the commission may not rule on the prudence or recoverability of specific items of cost, but shall rule instead on the prudence of the decision to incur preconstruction costs for the plant based on the utility's integrated resource plan.
- E) Unless the record in a subsequent proceeding shows that individual items of cost were imprudently incurred, or that other decisions subsequent to the issuance of a project development order were imprudently made considering the information available to the utility at the time they were made, then all the preconstruction costs incurred for the potential plant must be properly included in the utility's plant-in-service and must be recoverable fully through rates in future proceedings under this Act.
- F) To the extent that a party in a general rate proceeding or revised rates proceeding establishes the imprudence of specific items of cost or of specific decisions made subsequent to the issuance of a clean energy project development order, then the commission may disallow the resulting costs but only to the extent that a prudent utility would have avoided those costs considering the information available to

the utility at the time when they were incurred or the decisions at issue were made.

- G) If the utility decides to abandon the project after issuance of a prudency determination under this Section, then the preconstruction costs related to that project may be deferred, with AFUDC being calculated on the balance, and may be included in rates in the utility's next general rate proceeding or revised rates proceeding, provided that as to the decision to abandon the plant, the utility shall bear the burden of proving by a preponderance of the evidence that the decision was prudent. Recovery of capital costs and the utility's cost of capital associated with them may be disallowed only to the extent that the failure by the utility to anticipate or avoid the allegedly imprudent costs, or to minimize the magnitude of the costs, was imprudent considering the information available at the time that the utility could have acted to avoid or minimize the costs. Pending an order in the general rate proceeding or revised rates proceeding, the utility, at its discretion, may commence to amortize to cost of service the balance of the preconstruction costs related to the abandoned project over a period equal to the period during which the costs were incurred, or five years, whichever is greater.
- H) Prudency determinations may not be challenged or reopened in any subsequent proceeding and other applicable provisions of this Act.
- I) At any time after an initial clean energy project development order has been issued, a utility may file an amended clean energy project development application seeking a determination of the prudency of the utility's decision to continue to incur preconstruction costs considering changed circumstances or changes in the type or location of the clean energy generating plant that the utility is pursuing or considering other characteristics or decisions related to the plant. The amended clean energy project development application must be considered in a separate docket; however, the testimony and other evidence of the prior docket must be considered to be part of the new docket.
- J) The commission shall enter an order granting or denying a clean energy project development order or amended clean energy project development order within six months of the filing of the application. If the commission fails to issue an order within the period prescribed in this Section, a party may move that the commission issue an order granting or denying the application. If the commission fails to issue an order within ten days after the motion is served, the application will be considered granted.

Section IV. Office of Regulatory Staff

- A) Any utility proposing to construct a plant, individually or jointly with other parties, may elect to come under the terms of this Act by filing an application with the commission, and by serving a copy of that application on the Office of Regulatory Staff.
- B) An application may be combined with a general rate proceeding application at the utility's option.

- C) The Office of Regulatory Staff shall safeguard the public interest in all matters arising under this Act. It shall have full audit rights related to all matters arising under this Act and shall review the reasonableness and necessity of all costs to be recovered under this Act.

Section V. Proceedings

- A) Except as otherwise specified in this Act, all procedural requirements that apply to general rate proceedings by law or regulation shall apply to proceedings, to revised rates proceedings, and to the judicial review of orders issued under this Act. The requirements related to the form and content of applications in general rate proceedings, however, only shall apply to proceedings which include an application for new electric rates.
- B) In proceedings to review revised rates orders, no further notice to the public, customers, and others is required additional to that provided upon filing of the proceeding. In proceedings to review revised rates orders, the utility's revised rates filing shall serve as the application and the utility must be considered to be the applicant.
- C) In proceedings, the utility shall have the burden of proving that the decision to build the plant was prudent (as demonstrated by the results of the utility's integrated resource planning process), and shall have the burden of proof as to all matters on which the commission is required to enter findings under Section VII of this Act. Without in any way limiting the conclusive effect of determinations under Sections III and VIII of this Act, in cases where this statute allows a party to challenge the prudence of any transaction, cost, or decision of the utility, that party shall be required to make a *prima facie* case establishing imprudence, and thereafter the burden of proof shall shift to the utility to demonstrate the prudence of the transaction cost or decision by a preponderance of the evidence.
- D) When the proposed changes relate to rates or tariffs, the commission must rule and issue its order approving or disapproving the changes within nine months after the date the schedule is filed.

Section VI. Applications

- A) The application for a clean energy project construction order under this Act shall include as a minimum:
1. information showing the anticipated construction schedule for the plant;
 2. information showing the anticipated components of capital costs and the anticipated schedule for incurring them;
 3. information showing the projected effect of investment in the plant on the utility's overall revenue requirement for each year during the construction period;
 4. information identifying:
 - a) the specific type of generating technology selected for the plant;
 - b) the suppliers of the major components of the plant; and

- c) the basis for selecting the generating technology, major components, and suppliers;
- 5. information detailing the qualification and selection of principal contractors and suppliers, other than those listed in item (4)(c) above, for construction of the plant;
- 6. information showing the anticipated in-service expenses associated with the plant for the twelve months following commencement of commercial operation adjusted to normalize any atypical or abnormal expense levels anticipated during that period;
- 7. information required by Section II of this Act;
- 8. information identifying risk factors related to the construction and operation of the plant;
- 9. information identifying the proposed rate design and class allocation factors to be used in formulating revised rates;
- 10. information identifying the return on equity proposed by the utility pursuant to Section II; and
- 11. the revised rates, if any are requested, that the utility intends to put in place after issuance of the resulting clean energy project construction order.

Section VII. Clean Energy Project Construction Orders

- A) After the hearing, the commission shall issue a clean energy project construction order approving rate recovery for plant capital costs if it determines that the utility's decision to proceed with construction of the plant is prudent and reasonable considering the information available to the utility at the time.
- B) The clean energy project construction order shall establish:
 - 1. the anticipated construction schedule for the plant including contingencies;
 - 2. the anticipated components of capital costs and the anticipated schedule for incurring them, including specified contingencies;
 - 3. the return on equity established in conformity with Section II of this Act;
 - 4. the choice of the specific technology and major components of the plant;
 - 5. the qualification and selection of principal contractors and suppliers for construction of the plant; and
 - 6. the inflation indices used by the utility for costs of plant construction, covering major cost components or groups of related cost components. Each utility shall provide its own indices, including: the source of the data for each index, if the source is external to the company, or the methodology for each index which is compiled from internal utility data, the method of computation of inflation from each index, a calculated overall weighted index for capital costs, and a five-year history of each index on an annual basis.

- C) If revised rates are requested, the clean energy project construction order shall specify initial revised rates reflecting the utility's current investment in the plant which must be determined using the standards set forth in Section X of this Act and implemented according to Section X of this Act.
- D) The clean energy project construction order shall establish the rate design and class allocation factors to be used in calculating revised rates related to the plant.
- E) As circumstances warrant, the utility may petition the commission, with notice to the Office of Regulatory Staff, for an order modifying any of the schedules, estimates, findings, class allocation factors, rate designs, or conditions that form part of any clean energy project construction order issued under this Section. The commission shall grant the relief requested if, after a hearing, the commission finds:
 - 1. as to the changes in the schedules, estimates, findings, or conditions, that the evidence of record justifies a finding that the changes are not the result of imprudence on the part of the utility; and
 - 2. as to the changes in the class allocation factors or rate designs, that the evidence of record indicates the proposed class allocation factors or rate designs are just and reasonable.
- F) The commission shall consider a request under Section VII(e) of this Act in a new docket which, pursuant to Section V of this Act, must be subject to the requirement that the relief requested in this Act is considered granted if not denied by order within six months of the date of filing. If the commission fails to issue an order within the period prescribed in this Section, a party may move that the commission issue an order granting or denying the application. If the commission fails to issue an order within ten days after the motion is served, the application will be considered granted.
- G) The commission promptly shall schedule a hearing to consider any settlement agreement entered into between the Office of Regulatory Staff, as the party representing the public interest in the proceedings, and the utility applicant, provided that all parties shall have been given a reasonable opportunity to conduct discovery in the docket by the time the hearing is held. The commission may accept the settlement agreement as disposing of the matter, and issue an order adopting its terms, if it determines that the terms of the settlement agreement comport with the terms of this Act.

Section VIII. Final Determinations

- A) A clean energy project construction order shall constitute a final and binding determination that a plant is used and useful for utility purposes, and that its capital costs are prudent utility costs and expenses and are properly included in rates so long as the plant is constructed or is being constructed within the parameters of:
 - 1. the approved construction schedule, including contingencies; and
 - 2. the approved capital costs estimates, including specified contingencies.

B) Determinations under this Section may not be challenged or reopened in any subsequent proceeding, including general rate and tariff case proceedings and other applicable provisions, and Section X and other applicable provisions of this Act.

C) So long as the plant is constructed or being constructed in accordance with the approved schedules, estimates, and projections set forth in Section VII, as adjusted by the inflation indices set forth therein, the utility must be allowed to recover its capital costs related to the plant through revised rate filings or general rate proceedings.

D) Changes in fuel costs will not be considered in conducting any evaluation under this Section.

E) In cases where a party proves by a preponderance of the evidence that there has been a material and adverse deviation from the approved schedules, estimates, and projections set forth in Section VII, as adjusted by the inflation indices set forth therein, the commission may disallow the additional capital costs that result from the deviation, but only to the extent that the failure by the utility to anticipate or avoid the deviation, or to minimize the resulting expense, was imprudent considering the information available at the time that the utility could have acted to avoid the deviation or minimize its effect.

Section IX. Reports

A) After issuance of a clean energy project construction order approving rate recovery for capital costs related to the plant, the utility will file reports with the Office of Regulatory Staff quarterly until the plant begins commercial operation. These reports must be filed no later than forty-five (45) days after the close of a quarter, shall not be combined with any other filing, and shall contain the following information:

1. the progress of construction of the plant;
2. updated construction schedules;
3. schedules of the capital costs incurred including updates to the information required by Section VII;
4. updated schedules of the anticipated capital costs; and
5. other information as the Office of Regulatory Staff may require.

B) The Office of Regulatory Staff shall conduct on-going monitoring of the construction of the plant and expenditure of capital through review and audit of the quarterly reports under this Act, and shall have the right to inspect the books and records regarding the plant and the physical progress of construction upon reasonable notice to the utility.

Section X. Revising Rates

A) No earlier than one year after filing the application, and no more frequently than annually thereafter, the utility may file with the commission and serve on the Office of Regulatory Staff requests for the approval of revised rates subsequent to those approved in the clean energy project construction order.

- B) A utility must be allowed to recover through revised rates its weighted average cost of capital applied to all or, at the utility's option, part of the outstanding balance of construction work in progress, calculated as of a date specified in the filing. A utility must also be allowed to recover through revised rates the capital associated with all, or at the utility's discretion, part of the outstanding balance of preconstruction capital costs that have been incurred prior to issuance of a final state certificate. Any construction work in progress or preconstruction capital costs not included in any specific filing for revised rates shall continue to earn AFUDC and may be included in rates through future filings. The revised rates filing shall include the most recent monitoring report filed under Section IX of this Act updated to reflect information current as of the date specified in the filing.
- C) Written comments to the commission and the Office of Regulatory Staff concerning the revised rates and the information supporting them shall be allowed within one month of the revised rates filing.
- D) The Office of Regulatory Staff shall review and audit the revised rates and the information supporting them to determine their compliance with the terms of this Act. No later than two months after the date of the revised rates filing, the Office of Regulatory Staff shall serve on the commission and all intervenors and parties of record a report indicating the results of its review and audit and proposing any changes to the revised rates or the information supporting them that the Office of Regulatory Staff determines to be necessary to comply with the terms of this Act.
- E) Written comments related to the report may be filed with the commission within one month from the date of the filing of the report. Comments must be served on the Office of Regulatory Staff and simultaneously mailed or electronically transmitted to the utility and to all intervenors and parties of record who previously appeared and filed comments. The Office of Regulatory Staff may revise its report considering comments filed.
- F) No later than four months after the date of the revised rates filing, the commission shall issue a revised rates order granting, modifying, or denying revised rates as filed by the utility. In the absence of such a revised rates order, the revised rates shall be considered to be approved as filed. If the commission fails to issue an order within the period prescribed in this Section, a party may move that the commission issue an order granting or denying the application. If the commission fails to issue an order within ten days after the motion is served, the application will be considered granted.
- G) Where both Office of Regulatory Staff and the utility agree in writing on the revised rates to be implemented, the commission shall give substantial weight to the agreement in issuing its revised rates order.
- H) If the utility is granted a rate increase in the revised rates order, the utility shall provide notice to its customers with the next billing. The utility may implement revised rates for bills rendered on or after a date selected by the utility, which may not be sooner than thirty days after revised rates are approved.

- I) Upon implementation of revised rates under this Act, the utility will cease to accrue AFUDC on that component of its construction work in progress on which it is recovering its weighted average cost of capital through revised rates.
- J) Other provisions of this Act notwithstanding:
1. The utility may file a final set of revised rates for a plant to go into effect upon commercial operation of the plant, the filing to be made no sooner than seven months before the projected date that the plant is to commence commercial operations. In the final revised rates the utility may include recovery of the weighted average cost of capital applied to all or part of the capital costs associated with the plant. In all cases, the decision to seek recovery in revised rates of less than the full amount of its cost must be at the utility's sole discretion. Rate adjustments to reflect the revenue requirements related to in-service expenses must be included in the final revised rates and shall be based on the utility's most current budget estimates of those expenses for the succeeding twelve-month period at the time the final revised rates are filed or actual expenses, if available.
 2. If the commission rejects a revised rate filing on grounds that may be corrected in a subsequent filing, or if the utility withdraws a revised rate filing before a revised rates order is issued, the utility may file a subsequent request for revised rates at any time thereafter.
 3. The utility may seek to recover any capital costs, in-service expenses, or other costs not included in revised rates through future general rate proceedings.
- K) Where a plant is abandoned after a clean energy project construction order approving rate recovery has been issued, the capital costs and AFUDC related to the plant shall nonetheless be recoverable under this Act provided that the utility shall bear the burden of proving by a preponderance of the evidence that the decision to abandon construction of the plant was prudent. Without limiting the effect of Section VIII, recovery of capital costs and the utility's cost of capital associated with them may be disallowed only to the extent that the failure by the utility to anticipate or avoid the allegedly imprudent costs, or to minimize the magnitude of the costs, was imprudent considering the information available at the time that the utility could have acted to avoid or minimize the costs. The commission shall order the amortization and recovery through rates of the investment in the abandoned plant as part of an order adjusting rates under this Act.
- L) After completion of a plant that is subject to a clean energy project construction order, the Office of Regulatory Staff shall conduct an audit of the utility revenues, expenses, and rates consistent with the audits conducted of filings for new electric rates. The audit must be based on a twelve-month test period ending no later than December thirty-first of the calendar year following the year in which the plant entered commercial operation and must be filed with all parties to the proceeding within four months of the conclusion of the test period.

Section XI. Interventions

- A) Within thirty days of the issuance of a revised rates order pursuant to Section X of this Act, or within thirty days of the failure by the commission to issue a revised rates order as required pursuant to Section X of this Act, any aggrieved party may petition the commission for review of the revised rates order or of the failure to issue a revised rates order.
- B) The Office of Regulatory Staff and the utility must be automatic parties to any proceedings under this Section.
- C) In filing for intervention under this Section, intervenors shall identify with particularity the specific issues they intend to raise with regard to the revised rates order.
- D) The party seeking review of the revised rates order shall serve a copy of such petition on the Office of Regulatory Staff and the utility on the same day and by the same means as it is provided to the commission.
- E) Any filing under this Section must be considered a new proceeding subject to the provisions of Section V. The commission shall open a single new docket for all filings related to any one set of revised rates filed under this Act.

Section XII. Petitions for Review

- A) The commission shall issue its order ruling upon a petition for review of a revised rates order within six months. If the petition for review has been resolved among the parties by settlement agreement, the commission shall consider and accept or reject any settlement agreement entered into by the parties within forty-five days. If a settlement agreement is reached between some but not all parties, then the settlement agreement, if approved by the commission, must be deemed to dispose of any issues resolved in it that have not been raised by other parties to the proceeding pursuant to Section XI.
- B) Proceedings pursuant to Section XI are limited to issues related to whether the revised rates filed by the utility comply with the terms of the commission order issued pursuant to Section VII and with the specific requirements of Section X.
- C) In proceedings pursuant to Section XI, the commission shall allow limited discovery, and restrict the issues for discovery and hearing to whether the revised rates comply with the terms of the commission order issued pursuant to Section VII and compliance with the specific requirements of Section X.
- D) The commission shall issue such motions to strike, protective orders, motions to quash, motions for costs and sanctions, and other rulings as are necessary to enforce the terms of this limitation.
- E) The commission shall dismiss as a party any intervenor who, after notice, fails to abide by the limitations contained in this Section.
- F) The failure of the commission to enforce the terms of this Section may be remedied by petition for writ of mandamus or supersedeas in the state court, which petition the court shall advance over all other matters on its docket and hear

on an emergency basis, without the requirement of a formal answer or other return, such hearing to be held as soon as practicable upon twenty-four hours notice to the party against whom relief is sought. Proceedings related to the petitions may not serve to stay or delay proceedings before the commission.

G) The commission shall issue a final order that:

- 1) sets forth any changes that are required to the rates approved in the revised rates order;
- 2) determines the amount of any overcollection or undercollection of the revenues by the utility that resulted from application of the rates authorized in the revised rates order as compared to the rates authorized in the final order issued under this Section; and
- 3) establishes a credit to refund the amount of an overcollection or a surcharge to collect the amount of an undercollection of revenues that arose during the time that the rates approved in the revised rates order, or imposed due to a failure of the commission to issue a revised rates order, were applicable and requires the utility to apply the credit or surcharge until such time as the overcollection or undercollection is exhausted.

H) If the final order increases the amount of capital costs for which the utility may recover its weighted average cost of capital through revised rates, the AFUDC booked on those capital costs between the issuance of the revised rates order and the final order shall remain on the books of the utility and shall not be reversed or adjusted. Surcharges related to undercollection of costs must be calculated without consideration of AFUDC amounts recognized on the capital costs during this period.

I) If the final order reduces the amount of capital cost for which the utility may recover its weighted average cost of capital through revised rates for reasons other than the conclusive finding that the capital costs were imprudently incurred, then the utility may resume accrual of AFUDC on any capital costs that were not included in rate recovery and may book an amount of AFUDC equal to the AFUDC not recognized during the time the rates approved in the revised rates order were in effect.

Section XIII. Reapplication

The denial of a clean energy project development application, or clean energy project construction application, under this Act shall not preclude the utility from filing a new or amended clean energy project development application or clean energy project construction application at any time. A utility may proceed to construct a plant even if assurance of prudence or cost recovery under this Act is not sought or is denied, and the failure to seek or obtain such an assurance may not be used as evidence or precedent in any future proceeding.